

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ZACARIAS MOUSSAOUI, §
§
Plaintiff, §
§
v. § Civil Action No. **3:24-CV-3179-L-BK**
§
DOJ, MERRICK GARLAND, FBI, §
and CIA, §
§
Defendants. §

ORDER

The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 5) was entered on March 3, 2025, recommending that this action be dismissed without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), as a result of Plaintiff’s failure to prosecute and comply with a court order. In this regard, the Report notes:

On January 6, 2025, the Court issued a deficiency order advising Plaintiff that to the extent he desired to proceed with this lawsuit, he must file a complaint on the court-approved form and pay the \$405 filing fee or file a request to proceed *in forma pauperis*. Doc. 4. *See also* N.D. Tex. Misc. Ord. 14 (requiring inmates to file civil rights complaints and motions to proceed *in forma pauperis* on the court-approved forms). The deadline for Plaintiff’s response was February 6, 2025. However, Plaintiff has not complied with the Court’s deficiency order, nor has he sought an extension of time to do so.

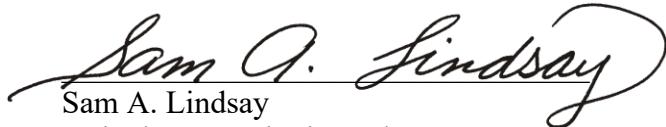
Report 1. Plaintiff has yet to respond to or address the magistrate judge’s deficiency order. In addition, no objections to the Report were received as of the date of this order, and the deadline for filing objections has expired.

Having considered the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the

court. Accordingly, pursuant to Rule 41(b), the court **dismisses without prejudice** this action as a result of Plaintiff's failure to prosecute and comply with a court order.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 21st day of May, 2025.



Sam A. Lindsay
United States District Judge